

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-NINTH LEGISLATURE

TWENTY-SIXTH LEGISLATIVE DAY
FRIDAY, FEBRUARY 2, 2007

Senate Chamber

President Risch called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senator Richardson, absent and formally excused by the Chair; and Senators Andreason, Langhorst, and Schroeder, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Bethany Romney, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 1, 2007, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Schroeder was recorded present at this order of business.

February 1, 2007

The TRANSPORTATION Committee reports out **S 1049**, **S 1050**, and **S 1051** with the recommendation that they do pass.

McGEE, Chairman

S 1049, **S 1050**, and **S 1051** were filed for second reading.

February 2, 2007

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 8**, **H 9**, **H 12**, **H 13**, **H 15**, **H 17**, and **H 22** with the recommendation that they do pass.

HILL, Chairman

H 8, **H 9**, **H 12**, **H 13**, **H 15**, **H 17**, and **H 22** were filed for second reading.

February 1, 2007

The HEALTH AND WELFARE Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Richard Armstrong as Director of the Department of Health and Welfare, term to expire at the pleasure of the Governor;

Tom Stroschein to the State Board of Health and Welfare, term to expire January 7, 2009.

LODGE, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

February 1, 2007

Mr. President:

I transmit herewith **H 42**, **H 18**, **H 23**, **H 24**, **H 25**, **H 26**, **H 27**, and **H 61** which have passed the House.

JUKER, Chief Clerk

H 42, **H 18**, **H 23**, **H 24**, **H 25**, **H 26**, **H 27**, and **H 61** were filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Molly J. Huskey was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Kelly, seconded by Senator Little, the Gubernatorial appointment of Molly J. Huskey as State Appellate Public Defender was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that **HCR 2** was before the Senate for final consideration.

Moved by Senator Darrington, seconded by Senator Kelly, that **HCR 2** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Heinrich, Hill, Jorgenson, Kelly, Keough, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 31.

NAYS--None.

Absent and excused--Andreason, Hammond, Langhorst, Richardson. Total - 4.

Total - 35.

Whereupon the President declared **HCR 2** adopted, title was approved, and the resolution ordered returned to the House.

The President announced that **HCR 3** was before the Senate for final consideration.

Moved by Senator Lodge, seconded by Senator Kelly, that **HCR 3** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Heinrich, Hill, Jorgenson, Kelly, Keough, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 31.

NAYS--None.

Absent and excused--Andreason, Hammond, Langhorst, Richardson. Total - 4.

Total - 35.

Whereupon the President declared **HCR 3** adopted, title was approved, and the resolution ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

President Pro Tempore Geddes assumed the Chair.

S 1071 BY FINANCE COMMITTEE AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE LAVA HOT SPRINGS FOUNDATION FOR FISCAL YEAR 2007; AND DECLARING AN EMERGENCY.

S 1072 BY AGRICULTURAL AFFAIRS COMMITTEE AN ACT

RELATING TO DOMESTIC CERVIDAE; AMENDING SECTION 25-3705A, IDAHO CODE, TO PROVIDE A REFERENCE TO FENCE AND GATE REQUIREMENTS; AND AMENDING CHAPTER 37, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-3705C, IDAHO CODE, TO PROVIDE FENCE AND GATE REQUIREMENTS.

S 1073 BY AGRICULTURAL AFFAIRS COMMITTEE AN ACT

RELATING TO DOMESTIC CERVIDAE; AMENDING SECTION 25-3701, IDAHO CODE, TO PROVIDE THAT PERSONS, ASSOCIATIONS OR CORPORATIONS REGISTERED WITH THE DIVISION OF ANIMAL INDUSTRIES PRIOR TO A SPECIFIED DATE MAY HOLD DOMESTIC CERVIDAE IN CAPTIVITY FOR CERTAIN PURPOSES AND TO PROVIDE THAT IMPORTING OF DOMESTIC CERVIDAE SHALL CONSTITUTE A FELONY; REPEALING SECTION 25-3701, IDAHO CODE, RELATING TO DOMESTIC CERVIDAE FARMING DEEMED AGRICULTURAL PURSUIT; AMENDING CHAPTER 37, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-3701, IDAHO CODE, TO PROVIDE FOR CERTAIN DOMESTIC CERVIDAE FARMING, TO PROVIDE THAT IMPORTING OF DOMESTIC CERVIDAE SHALL CONSTITUTE A FELONY AND TO PROVIDE THAT SHOOTING OR SPEARING OF DOMESTIC CERVIDAE HELD IN AN ENCLOSED AREA FOR FEE OR OTHER REMUNERATION SHALL CONSTITUTE A FELONY; AMENDING SECTION 25-3706, IDAHO CODE, TO CLARIFY THE APPLICABILITY OF CERTAIN PENALTY PROVISIONS; DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

S 1074 BY AGRICULTURAL AFFAIRS COMMITTEE AN ACT

RELATING TO DOMESTIC CERVIDAE; AMENDING SECTION 25-3701, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO PROVIDE FOR LICENSING OF DOMESTIC CERVIDAE FARMS AND RANCHES BY THE DIVISION OF ANIMAL INDUSTRIES; AMENDING SECTION 25-3704, IDAHO CODE, TO REVISE PROVISIONS RELATING TO RULEMAKING; AMENDING CHAPTER 37, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-3704A, IDAHO CODE, TO PROVIDE FOR LICENSING OF DOMESTIC CERVIDAE FARMS AND

RANCHES; AMENDING SECTION 25-3705, IDAHO CODE, TO AUTHORIZE CERTAIN INSPECTIONS AND TO PROVIDE FOR THE INSPECTION OF CERVIDAE RANCHES; AMENDING SECTION 25-3706, IDAHO CODE, TO PROVIDE FOR LICENSE SUSPENSION OR REVOCATION; AMENDING SECTION 25-3708, IDAHO CODE, TO REVISE FEE PROVISIONS; TO PROVIDE FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

S 1075

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO BASIC RULE AND MAXIMUM SPEED LIMITS; AMENDING SECTION 49-201, IDAHO CODE, TO AUTHORIZE THE IDAHO TRANSPORTATION BOARD TO SET A MAXIMUM SPEED LIMIT OF SEVENTY MILES PER HOUR ON INTERSTATE HIGHWAYS; AND AMENDING SECTION 49-654, IDAHO CODE, TO DECREASE THE MAXIMUM SPEED LIMIT ON INTERSTATE HIGHWAYS TO SEVENTY MILES PER HOUR AND TO DELETE THE MAXIMUM SPEED LIMIT OF SIXTY-FIVE MILES PER HOUR ON INTERSTATE HIGHWAYS FOR VEHICLES WITH FIVE OR MORE AXLES OPERATING AT A GROSS WEIGHT OF MORE THAN TWENTY-SIX THOUSAND POUNDS.

S 1076

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO POISON CONTROL; REPEALING SECTIONS 56-1036, 56-1037, 56-1038, 56-1039 AND 56-1040, IDAHO CODE, RELATING TO THE PURPOSE, ESTABLISHMENT, OPERATION, AUTHORITY AND DUTIES OF A STATEWIDE POISON CONTROL CENTER.

S 1077

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO PHARMACISTS; AMENDING SECTION 54-1733, IDAHO CODE, TO REMOVE THE REQUIREMENT THAT THE LICENSE NUMBER OF A NURSE IN A LICENSED HEALTH CARE FACILITY BE PROVIDED FOR A FACSIMILE TRANSMITTED PRESCRIPTION DRUG ORDER AND TO MAKE TECHNICAL CORRECTIONS.

S 1078

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO THE IDAHO EMERGENCY MEDICAL SERVICES PHYSICIAN COMMISSION; AMENDING SECTION 56-1013A, IDAHO CODE, TO PROVIDE AN ADDITIONAL PURPOSE FOR THE IDAHO EMERGENCY MEDICAL SERVICES PHYSICIAN COMMISSION AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 56-1017, IDAHO CODE, TO PROVIDE ADDITIONAL RULEMAKING AUTHORITY FOR THE BOARD OF HEALTH AND WELFARE AND TO MAKE TECHNICAL CORRECTIONS.

S 1079

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-201, IDAHO CODE, TO REVISE A DEFINITION, TO PROVIDE WHEN AGE FOUR YEARS IS DEEMED ATTAINED AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-208, IDAHO CODE, TO PROVIDE THAT IT IS NOT COMPULSORY FOR INDIVIDUAL SCHOOL DISTRICTS TO ESTABLISH PREKINDERGARTEN PROGRAMS AND THAT IT IS NOT MANDATORY FOR A CHILD TO ENROLL IN PUBLIC PREKINDERGARTEN; AMENDING SECTION 33-302, IDAHO CODE, TO PERMIT ELEMENTARY AND ALL OTHER SCHOOL DISTRICTS TO GIVE INSTRUCTION IN PREKINDERGARTEN; AMENDING SECTION 33-512, IDAHO CODE, TO PROVIDE THE BOARD OF TRUSTEES OF EACH SCHOOL DISTRICT THE AUTHORITY TO PROVIDE CLASSES IN PREKINDERGARTEN AND TO PROVIDE THAT NO APPROPRIATION BY THE STATE OF IDAHO BE DIRECTED TO THE PROVISION OF PREKINDERGARTEN SERVICES; AMENDING SECTION 33-1207A, IDAHO CODE, TO REMOVE A DATE AND TO PROVIDE THAT THE STATE BOARD OF EDUCATION IS RESPONSIBLE FOR THE DEVELOPMENT OF A SINGLE PRESERVICE ASSESSMENT MEASURE FOR PREKINDERGARTEN PREPARATION PROGRAMS, TO PROVIDE THAT PREKINDERGARTEN TEACHER CANDIDATES FROM AN IDAHO TEACHER PREPARATION PROGRAM PASS THE ASSESSMENT AND TO PROVIDE THAT EACH TEACHER EMPLOYED IN A CLASSROOM FOR PREKINDERGARTEN AND EACH SCHOOL ADMINISTRATOR OF A SCHOOL WHICH INCLUDES PREKINDERGARTEN COMPLETE SPECIFIED COURSEWORK IN ORDER TO RECERTIFY; AMENDING SECTION 33-1225, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 33-1302, IDAHO CODE, TO REVISE A LEGISLATIVE FINDING; AMENDING SECTION 33-1303, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 33-1613, IDAHO CODE, TO REVISE A DEFINITION; AND AMENDING SECTION 39-8003, IDAHO CODE, TO INCLUDE PREKINDERGARTEN WITHIN THE UNIFORM PUBLIC SCHOOL BUILDING SAFETY ACT.

S 1080

BY EDUCATION COMMITTEE

AN ACT

RELATING TO IMMUNITY FROM LIABILITY; AMENDING SECTION 5-330, IDAHO CODE, TO PROVIDE IMMUNITY FROM CIVIL LIABILITY TO VOLUNTEERS WHO ADMINISTER FIRST AID AT A COMPETITIVE SPORTING EVENT AND TO DEFINE "COMPETITIVE SPORTING EVENT."

S 1081

BY LOCAL GOVERNMENT AND TAXATION COMMITTEE

AN ACT

RELATING TO PUBLIC HEALTH DISTRICTS; AMENDING SECTION 39-412, IDAHO CODE, TO REVISE THE COMPENSATION PAID TO BOARD MEMBERS.

S 1082
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO ABORTION; REPEALING CHAPTER 393, LAWS OF 2005, RELATING TO ABORTION; AMENDING SECTION 9-340G, IDAHO CODE, TO REVISE A PUBLIC RECORDS EXEMPTION AND TO PROVIDE FOR A CORRECT CODE REFERENCE; AMENDING SECTION 18-605, IDAHO CODE, TO PROVIDE FOR CRIMINAL ACT STATE OF MIND; REPEALING SECTION 18-609A, IDAHO CODE, RELATING TO CONSENT REQUIRED FOR ABORTIONS FOR MINORS; AMENDING CHAPTER 6, TITLE 18, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 18-609A, 18-609F AND 18-609G, IDAHO CODE, TO PROVIDE PROCEDURES FOR OBTAINING CONSENT FOR ABORTIONS FOR MINORS, TO PROVIDE FOR REPORTING BY COURTS AND TO PROVIDE FOR STATISTICAL RECORDS; AMENDING SECTION 18-614, IDAHO CODE, TO DELETE PROVISIONS RELATING TO AFFIRMATIVE DEFENSE AND A MEDICAL EMERGENCY AND TO MAKE TECHNICAL CORRECTIONS; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

S 1083
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO THE LEGISLATIVE COUNCIL; AMENDING SECTION 67-429, IDAHO CODE, TO PROVIDE FOR THE HIRING, COMPENSATION, QUALIFICATIONS AND DUTIES OF LEGISLATIVE INTERNS AND TO DELETE OBSOLETE LANGUAGE.

S 1071, S 1072, S 1073, S 1074, S 1075, S 1076, S 1077, S 1078, S 1079, S 1080, S 1081, S 1082, and S 1083 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 42, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

H 18 and **H 23**, by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 24, H 25, H 26, and H 27, by Resources and Conservation Committee, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 61, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Senator Andreason was recorded present at this order of business.

S 1022, by Jorgenson, was read the second time at length and filed for third reading.

S 1011, by Resources and Environment Committee, was read the second time at length and filed for third reading.

S 1017, as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1018 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kelly arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Gannon, Langhorst, Richardson. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **S 1018** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:10 p.m. until the hour of 11 a.m., Monday, February 5, 2007.

JAMES E. RISCH, President

Attest: RUSTI HORTON, Assistant Secretary